

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

Date of Mailing:

06 May 2005

Attorney Docket No.

4408-P03626US00

U.S. Application No. (If Known)

Not yet assigned

10/534210

Express Mail Label No.:

EV307466461US

Int'l Application No.

PCT/GB2003/005704

Int'l Filing Date

24 December 2003

Priority Date Claimed

27 December 2002

TITLE OF INVENTION

Borrelidin-Producing Polyketide Synthase And Its Use

Applicant(s) for DO/EO/US

SALAS, Jose, A.; MENDEZ, Carmen; OLANO, Carlos; SANCHEZ, Cesar; BRANA, Alfredo, F.; WILKINSON, Barrie; MARTIN, Christine, J.; MOSS, Steven; LEADLAY, Peter, F.; and OLIYNYK, Marko

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - Certificate of Mailing by Express Mail Under 37 C.F.R. §1.10
 - Copy of Form PCT/IB/308
 - Check in the amount of \$2,225
 - Abstract

U.S. Application No. Not yet assigned 107534210		International Application No. PCT/GB2003/005704		Docket No. 4408-P03626US00	
The following fees are submitted:					
21. [X] BASIC NATIONAL FEE				\$300	
22. [X] Examination Fee If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100 All other situations \$200				\$200	
23. [X] Search Fee Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as a International Searching Authority. \$100 International Search Report prepared by International Search Authority other than USPTO, but provided to Office by Applicant(s) \$400 All other situations \$500				\$500	
Total of 21, 22, 23				\$1,000	
[] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program filed in an electronic medium). Total Sheets Extra Sheets No. of each add'l 50 (round up to whole number) -100 = /50 = x \$250				\$0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date				\$0	
Claims	Number Filed	Number Extra	Rate		
Total Claims	81 -20	= 61	50	\$3,050	
Independent Claims	5 -3	= 2	200	\$400	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360		
TOTAL OF ABOVE CALCULATIONS				\$4,450	
[X] Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½					
SUBTOTAL =				\$2,225	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$0	
TOTAL NATIONAL FEE =				\$2,225	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				\$0	
TOTAL FEES ENCLOSED =				\$2,225	

- a. [X] A check in the amount of \$2,225 to cover the above fees is enclosed
- b. [] Please surcharge Deposit Account No. 04-1406 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit
any overpayment to Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO: **CUSTOMER NUMBER 000110** to the attention of the individual listed below.



Robert C. Netter, Jr., Ph.D.
Registration No. 56,422

10/534210

JC14 Rec'd PCT/PTO 06 MAY 2005

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**CERTIFICATE OF MAILING
BY EXPRESS MAIL UNDER 37 C.F.R. \$1.10**

NUMBER OF EXPRESS MAIL MAILING LABEL: EV307466461US
DATE OF DEPOSIT WITH POSTAL SERVICE: May 6, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. \$1.10 on the date indicated above, and is addressed to the COMMISSIONER OF PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450.

Caren Burgoon

Typed Name of Person Mailing Paper or Fee



Signature of Person Mailing Paper or Fee

Re: New Patent Application
(National Phase of International
Patent Application No. PCT/GB2003/005704
Entitled: Borrelidin-Producing Polyketide
Synthase And Its Use
International Filing Date: 24 December 2003
Earliest Claimed Priority Date: 27 December 2002
Our File No. 4408-P03626US00

Enclosures:

- Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C. §371 (in duplicate)
- Preliminary Amendment
- Copy of Form PCT/IB/308
- Copy of Declaration of Inventorship
- Abstract
- Check in the amount of \$2,225